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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,018	11/17/2003	Evan R. Vande Haar	P06388US00	3304

27139 7590 10/18/2005

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DES MOINES, IA 50309-2721

EXAMINER

HUSBAND, SARAH E

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/715,018

Applicant(s)

VANDE HAAR ET AL.

Examiner

Sarah E. Husband

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/17/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-9, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vande Haar (US Patent No. 6,241,782) in view of Civanelli (US Patent No. 5,671,494).

Vande Haar ('782) discloses a washing machine having a stationary tub, a washing basket with an open rim and a plurality of holes in the wall, washing fluid, motor, controller and a boot seal (col. 3, ll. 30-65; Fig. 1, 3). Vande Haar ('782) also discloses various cycles and speeds of rotation (col. 2-3, 6). Vande Haar ('782) does not specifically disclose sensing an imbalance and decreasing the rotation based on the imbalance. Civanelli discloses multiple rotational speeds in the washing and rinsing process. Civanelli discloses a distribution speed or wash speed (first speed), orbital speed (second speed), first spinning speed (third speed) and second spinning speed (fourth speed) and draining of the liquid throughout the cycle. Civanelli also discloses sensing an imbalance by a change in the current of the motor (torque) or the motor speed and then reducing the rotational speed based on this imbalance (col. 1-5; Fig. 3). Civanelli further discloses gradually increasing the speed to various speeds including the orbital speed and checking for imbalances during this process. Although Civanelli does not specifically state the exact rotational speeds of each of

the levels of rotation, Civanelli does describe increasing the speed from 55 to 120 rpm (col. 3-4) and it would be obvious to one of ordinary skill in the art to divide the levels of speed in this range or approximate variations of this.

Claims 3 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vande Haar ('782) and Civanelli as applied to claims 1, 2 and 4-9 above, and further in view of Kawaguchi (US Patent No. 6,029,300).

Vande Haar ('782) and Civanelli disclose the method as shown above in the 103(a) rejection. They do not disclose stopping the rotation of the drum after detecting an imbalance. Kawaguchi discloses sensing an imbalance, stopping the rotation of the drum and then increasing the speed gradually (col. 2-3, see entire document as well). Vande Haar, Civanelli and Kawaguchi are analogous art because they are from the same field of endeavor, washing machines. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the method disclosed by Vande Haar and Civanelli with Kawaguchi for the benefit of avoiding damage to the machine.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not referred to are Rettich (US 4,513,464), Anderson (US 4,631,771), Kawamoto (US 6,361,439), Myers (US 5,713,221), Ikeda (US 6,418,758), Conrath (US 6,530,100), Kakuda (US 6,615,619), Ciancimino (US 2001/0054204), Broker (US 2003/0056302) and Hird (US 2003/0145392), who teach imbalance mechanisms for washing machines.

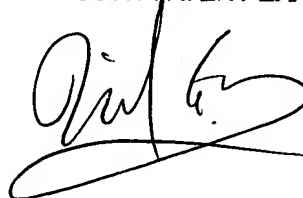
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached at (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEH

**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**

A handwritten signature in black ink, appearing to read "Michael Barr", with a stylized flourish at the end.